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**From:** Eisenberg, Mindy [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=CFB4C26BB6F44C7DB69F9884628B3EF9-EISENBERG, MINDY]  
**Sent:** 11/10/2020 7:10:14 PM  
**To:** Hurlid, Kathy [Hurlid.Kathy@epa.gov]; McDavit, Michael W. [Mcdavit.Michael@epa.gov]  
**Subject:** RE: Deliberative Request Review: Draft 404 Programmatic Agreement (10-20-20)\_additional achp language 2nov20 (EPA edits 11-09-20).docx

I can take what you have and turn it into a note.

Thanks!

Mindy Eisenberg  
Associate Director, Oceans, Wetlands & Communities Division  
Office of Wetlands, Oceans and Watersheds  
U.S. Environmental Protection Agency  
1200 Pennsylvania Ave., NW, mailcode 4504T  
Washington, DC 20460  
Cell Ex. 6 Personal Privacy (PP)  
eisenberg.mindy@epa.gov

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**From:** Hurlid, Kathy <Hurlid.Kathy@epa.gov>  
**Sent:** Tuesday, November 10, 2020 1:42 PM  
**To:** Eisenberg, Mindy <Eisenberg.Mindy@epa.gov>; McDavit, Michael W. <Mcdavit.Michael@epa.gov>  
**Subject:** RE: Deliberative Request Review: Draft 404 Programmatic Agreement (10-20-20)\_additional achp language 2nov20 (EPA edits 11-09-20).docx

Okay, so shall I craft something to send to John? Or do you want to?

# Ex. 5 Deliberative Process (DP)

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**From:** Eisenberg, Mindy <Eisenberg.Mindy@epa.gov>  
**Sent:** Tuesday, November 10, 2020 1:32 PM  
**To:** Hurlid, Kathy <Hurlid.Kathy@epa.gov>; McDavit, Michael W. <Mcdavit.Michael@epa.gov>  
**Subject:** RE: Deliberative Request Review: Draft 404 Programmatic Agreement (10-20-20)\_additional achp language 2nov20 (EPA edits 11-09-20).docx

I think whatever is easiest and generally provides what ACHP wants

Mindy Eisenberg  
Associate Director, Oceans, Wetlands & Communities Division  
Office of Wetlands, Oceans and Watersheds  
U.S. Environmental Protection Agency  
1200 Pennsylvania Ave., NW, mailcode 4504T  
Washington, DC 20460  
Cell Ex. 6 Personal Privacy (PP)  
[eisenberg.mindy@epa.gov](mailto:eisenberg.mindy@epa.gov)

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**From:** Hurlid, Kathy <[Hurlid.Kathy@epa.gov](mailto:Hurlid.Kathy@epa.gov)>  
**Sent:** Tuesday, November 10, 2020 1:31 PM  
**To:** Eisenberg, Mindy <[Eisenberg.Mindy@epa.gov](mailto:Eisenberg.Mindy@epa.gov)>; McDavit, Michael W. <[Mcdavit.Michael@epa.gov](mailto:Mcdavit.Michael@epa.gov)>  
**Subject:** RE: Deliberative Request Review: Draft 404 Programmatic Agreement (10-20-20)\_additional achp language 2nov20 (EPA edits 11-09-20).docx

## Ex. 5 Deliberative Process (DP)

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**From:** Eisenberg, Mindy <[Eisenberg.Mindy@epa.gov](mailto:Eisenberg.Mindy@epa.gov)>  
**Sent:** Tuesday, November 10, 2020 1:13 PM  
**To:** Hurlid, Kathy <[Hurlid.Kathy@epa.gov](mailto:Hurlid.Kathy@epa.gov)>; McDavit, Michael W. <[Mcdavit.Michael@epa.gov](mailto:Mcdavit.Michael@epa.gov)>  
**Subject:** RE: Deliberative Request Review: Draft 404 Programmatic Agreement (10-20-20)\_additional achp language 2nov20 (EPA edits 11-09-20).docx

## Ex. 5 Deliberative Process (DP)

Mindy Eisenberg  
Associate Director, Oceans, Wetlands & Communities Division  
Office of Wetlands, Oceans and Watersheds  
U.S. Environmental Protection Agency  
1200 Pennsylvania Ave., NW, mailcode 4504T  
Washington, DC 20460  
Cell Ex. 6 Personal Privacy (PP)  
[eisenberg.mindy@epa.gov](mailto:eisenberg.mindy@epa.gov)

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**From:** Hurlid, Kathy <[Hurlid.Kathy@epa.gov](mailto:Hurlid.Kathy@epa.gov)>  
**Sent:** Tuesday, November 10, 2020 12:57 PM  
**To:** Eisenberg, Mindy <[Eisenberg.Mindy@epa.gov](mailto:Eisenberg.Mindy@epa.gov)>; McDavit, Michael W. <[Mcdavit.Michael@epa.gov](mailto:Mcdavit.Michael@epa.gov)>  
**Subject:** RE: Deliberative Request Review: Draft 404 Programmatic Agreement (10-20-20)\_additional achp language 2nov20 (EPA edits 11-09-20).docx

## Ex. 5 Deliberative Process (DP)

## Ex. 5 Deliberative Process (DP)

# Ex. 5 AC/DP

I will continue to try to reach Matt and Michael about these edits/suggestions. Assuming you think they are worthy of forwarding to John.

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**From:** Hurl, Kathy  
**Sent:** Tuesday, November 10, 2020 12:41 PM  
**To:** Eisenberg, Mindy <[Eisenberg.Mindy@epa.gov](mailto:Eisenberg.Mindy@epa.gov)>; McDavit, Michael W. <[Mcdavit.Michael@epa.gov](mailto:Mcdavit.Michael@epa.gov)>  
**Subject:** FW: Deliberative Request Review: Draft 404 Programmatic Agreement (10-20-20)\_additional achp language 2nov20 (EPA edits 11-09-20).docx

Here you go

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**From:** Hurl, Kathy  
**Sent:** Tuesday, November 10, 2020 12:39 PM  
**To:** Eisenberg, Mindy <[Eisenberg.Mindy@epa.gov](mailto:Eisenberg.Mindy@epa.gov)>  
**Subject:** FW: Deliberative Request Review: Draft 404 Programmatic Agreement (10-20-20)\_additional achp language 2nov20 (EPA edits 11-09-20).docx

Deliberative - Two points in this PA that I am seeing for your consideration.

## Ex. 5 Deliberative Process (DP)

I am trying to reach Matt and Michael and Simma to get clarity, but am unable at this time.

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**From:** McGill, Thomas <[Mcgill.Thomas@epa.gov](mailto:Mcgill.Thomas@epa.gov)>  
**Sent:** Tuesday, November 10, 2020 12:12 PM  
**To:** Laycock, Kelly <[Laycock.Kelly@epa.gov](mailto:Laycock.Kelly@epa.gov)>; Hurl, Kathy <[Hurl.Kathy@epa.gov](mailto:Hurl.Kathy@epa.gov)>  
**Cc:** Calli, Rosemary <[Calli.Rosemary@epa.gov](mailto:Calli.Rosemary@epa.gov)>

**Subject:** FW: Deliberative Request Review: Draft 404 Programmatic Agreement (10-20-20)\_additional achp language 2nov20 (EPA edits 11-09-20).docx

FYI...

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**From:** Gettle, Jeaneanne

**Sent:** Tuesday, November 10, 2020 12:09 PM

**To:** Goodin, John <Goodin.John@epa.gov>; Neugeboren, Steven <Neugeboren.Steven@epa.gov>; Simons, Andrew <Simons.Andrew@epa.gov>

**Cc:** Palmer, Leif <Palmer.Leif@epa.gov>; Eisenberg, Mindy <Eisenberg.Mindy@epa.gov>; Ghosh, Mita <Ghosh.Mita@epa.gov>; Kupchan, Simma <Kupchan.Simma@epa.gov>; Siegal, Tod <Siegal.Tod@epa.gov>; McGill, Thomas <McGill.Thomas@epa.gov>; Calli, Rosemary <Calli.Rosemary@epa.gov>; Hicks, Matt <Hicks.Matthew@epa.gov>; Creswell, Michael <Creswell.Michael@epa.gov>

**Subject:** Deliberative Request Review: Draft 404 Programmatic Agreement (10-20-20)\_additional achp language 2nov20 (EPA edits 11-09-20).docx

Deliberative

John, Steve and Andrew:

Attached to this message is a revised draft Programmatic Agreement, in clean and redline, which responds to comments received from the ACHP via email on 10-28-20 and 11-2-20, and during a phone call on 10-29-20. For reference, I've attached the emails from the ACHP transmitting the 10-28 and 11-2 versions. This new revised draft reflects input from Simma, Tod, and ORC, and the following direction we recently received from Dave Ross:

- 1.
- 2.
- 3.

## **Ex. 5 Deliberative Process (DP)**

The redline version includes comment bubbles where appropriate to assist Senior Leadership in their review. I plan to forward this to our Dave, David and Mary either later today (pending hearing from you) or at the latest early Thursday. If possible can you give a quick response if you are ok with this moving forward.

Thanks,

Jeaneanne